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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,314	03/01/2004	Yu-Jen Lin	CFP-2346 (15722/631)	8827
23595	7590	09/22/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			BARFIELD, ANTHONY DERRELL	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,314

Applicant(s)

LIN, YU-JEN

Examiner

Anthony D. Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15, 17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15, 17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11,13,16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sander et al. in view of Vairinen. Sander et al. shows the use of a stool apparatus for use in a chair with a post, the stool apparatus comprising a stool (22), a carriage (26,28) for carrying the stool and a telescopic device (16) for connecting the carriage to the post. Sander et al further shows the use of a tension spring (32) for shrinking the telescopic device placed within the telescopic device. The telescopic device inherently defines a screw hole, and the carriage defines an aperture through which a screw is driven into the screw hole. The telescopic device comprises a first tube, a second tube inserted in the first tube and a third tube inserted in the second tube, as shown in Figure 1. A retaining device (30) allows for the stool to be retained within a position relative to the carriage. Sander et al. shows the stool pivotally attached to the carriage. Sander et al. fails to show the use of a retaining device. Vairinen shows the conventional use of a retaining device (7,18) comprising a detent (18) and a plurality of receiving holes (21,22). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carriage of Sander et al. with the teachings of Vairinen in order to allow the stool to be locked in a more discrete angular position.

Claims 2-5, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sander et al. in view of Vairinen and further in view of Maier-Hunke et al. Sander et al. shows the use of a lug on the carriage (Fig. 1). Sander et al. in view of Vairinen shows all of the teachings of the claimed invention except the use of a carriage having a vertical bar attached to the telescopic device, horizontal bar integrated with the vertical bar and two wheels attached to the horizontal bar and the use of a lug disposed between two lugs. Maier-Hunke et al. shows the conventional use of a carriage having a vertical bar (9) integrated with a horizontal bar (10). Maier-Hunke further shows the conventional use of a lug disposed between two lugs (see Fig. 3) which inherently has some screw driven in the lug. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carriage of Sander et al. in view of Vairinen, with the teachings of Maier-Hunke et al. in order to provide more stability.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sander et al. in view of Vairinen and further in view of Bors et al. Sander et al. shows the use of an attachment device for attaching the telescoping device to the chair. Sander et al. in view of Vairinen fails to show the use of a clamping device. Bors et al. shows the conventional use of a clamping device (Figs. 7-8) having a first jaw (72) with a second jaw (74) hinged thereto. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carriage of Sander et al. in view of Vairinen, with the teachings of Bors et al. in order to allow the telescoping device to be locked in a radial position with respect to the chair post.

Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sander et al. in view of Bors et al. Sander et al. shows the use of an attachment device for attaching the telescoping device to the chair. Sander et al. in view of Vairinen fails to show the use of a

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clamping device. Bors et al. shows the conventional use of a clamping device (Figs. 7-8) having a first jaw (72) with a second jaw (74) hinged thereto. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the carriage of Sander et al. in view of Vairinen, with the teachings of Bors et al. in order to allow the telescoping device to be locked in a radial position with respect to the chair post.

Allowable Subject Matter

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 2-15, 17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

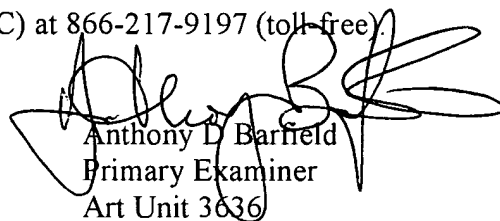
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony D. Barfield
Primary Examiner
Art Unit 3636

adb
September 16, 2005